

is not the kind of sufficient showing contemplated by Section 806.05. Mere difference in classification, by itself, is an insufficient basis to require the filing of additional applications drawn to the same invention.

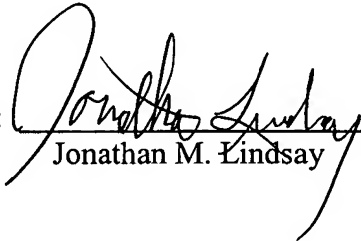
Claims 1-13 define a system which carries out the method of claims 14-26. In particular, each of the acts recited in independent method claim 14 is specifically recited as being performed by the system of claim 1, and vice versa. In fact, Applicant submits that, not only is there no material difference between Group I and Group II, but the system claim set of Group I perfectly parallels the method claim set of Group II. In paragraph 2 of the Office Action, the only support cited by the examiner that the claims are materially different is that the apparatus as claims can be used to practice a method that does not perform “the steps of selecting from among a plurality of purchase options.” However, on line 10 of page 35, claim 1 clearly recites “a user input device to select from among a plurality of purchase options”

Applicant further submits that the claims of Group III are similarly paralleled to the claims of Group I and II. In paragraph 4 of the Office Action, the examiner indicates that “computer program code to consummate a purchase transaction” is not required by the claims of Group I. However, claim 1 clearly states that the user input device is used to “consummate a purchase transaction.” Applicant is perplexed as to how the examiner finds material differences between

claims in which verbatim corresponding claim elements are clearly present in all claim groups.

Therefore, reconsideration and withdrawal of the restriction requirement, and prosecution of all claims currently of record in this application is respectfully requested. If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Dated: June 27, 2005

By: 
Jonathan M. Lindsay

Intellectual Property Group
P.O. Box 14300
Washington, D.C. 20044-4300

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)


I hereby certify that this correspondence is, on the date shown below, being:

I. MAILING

☒ deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

 June 27, 2005
Urban M. Gordon Date

1095211